



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal: Amendments to the City of Seattle Land Use Code, Title 23, related to land use and zoning, allowing interim uses not otherwise permitted in Downtown, Seattle Mixed, Industrial and Commercial zones.

Project Sponsor: City of Seattle Department of Planning and Development

Location of Proposal: The proposal is a non-project action, applicable in Downtown, Seattle Mixed, Industrial, Highrise, and Commercial zones throughout the City.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable in Downtown, Seattle Mixed, Industrial, Highrise, and Commercial zones, that would allow interim uses where those uses are not otherwise permitted, provide waiver or modification of development standards for these uses, and remove the limit on issuance of a Master Use Permit beyond 18 months from the date a project is approved for issuance.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The proposal would amend the Seattle Land Use Code to define and allow interim uses, including short-term principal use parking lots, to be established in both zones where they are now permitted outright and in certain other zones where they either are not permitted or are permitted only under certain circumstances. These uses would be established on an interim basis, as described below, and would be subject to many of the standards that would apply to a permanent use.

Specifically, the proposal would:

- create a new type of temporary use, interim use, within SMC Section 23.42.040, Intermittent and Temporary Uses;
- Permit interim uses only in specific zones, including Downtown, Seattle Mixed, Industrial, Highrise, and Commercial zones, with the exception of Neighborhood Commercial 1 (NC1) zones and within Station Area Overlay Districts;
- Limit interim uses to property that is located outside of most types of Environmentally Critical Areas;
- Restrict interim principal use parking to short-term only, and at (1) sites already developed with surface parking areas or parking structures established to provide accessory parking, but where the use to which the parking was accessory has been discontinued; or (2) sites that have been cleared pursuant to an active permit authorizing construction and commencement of a new use on the property, but where construction and commencement of the new use has been delayed; or (3) development of a site that is partially complete, including what is to become accessory surface or structured parking, but the new use to which the parking is accessory has not yet commenced.
- Restrict interim uses other than parking to: (1) sites that have been cleared pursuant to an active permit authorizing construction and commencement of a new use on the property, but where construction and commencement of the new use has been delayed; or (2) development of a site that is partially complete, including what is to become accessory surface or structured parking, but the new use has not yet commenced. The other proposed interim uses include: general retail sales and service uses from a portable kiosk or similar temporary structure; mobile food vendors; displays or installations of art; and housing demonstration projects in modular, portable, or similar structures designed to be moveable or disassembled. (While art usually is not subject to use regulations, the proposal would allow art objects requiring some regulation as structures to be clearly permitted as interim uses.)
- Limit the term of interim use permits to a maximum of 24 months, with the option to renew once for a period not to exceed 12 months.
- Allow waiver or modification of development standards except: (1) surface parking lots must be paved; (2) exterior lighting and vehicle lights must be shielded or screened; (3) landscaping requirements for the zone in which an interim parking use is located will apply; (4) parking spaces standards in SMC Section 23.54.030 apply; (5) City of Seattle regulations other than the Land Use Code, such as grading and drainage regulations, apply.
- Establish interim use as a Type I Master Use Permit, with no comment or appeal opportunities. (If threshold requirements for environmental review under the State Environmental Policy Act are triggered, then the review would be a Type II review with public notice and opportunities to comment and appeal.)
- Repeal the limit on issuance of a Master Use Permit beyond 18 months from the date a project is approved for issuance for projects electing the six-year Master Use Permit term.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS – SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated October 22, 2009. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to allow interim uses in certain zones where these uses are not otherwise permitted. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in limited, if any, impacts to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. Interim uses would not be allowed in most Environmentally Critical Areas, including riparian corridors, shoreline habitat, shoreline habitat buffer, wetlands, wetland buffers, steep slopes, and steep slope buffers. The interim use provisions only would apply to sites that have already been developed or are currently undergoing some level of site preparation and development. Additionally, the interim uses only would be authorized for a maximum of 24 months, with an opportunity for one renewal for a period not to exceed 12 months. Since the amendments would apply to a variety of zones and sites, it is possible that elements of the natural environment on future sites could be impacted. However, given the proposed restrictions on which sites could be developed with interim uses and the temporary nature of these uses, it is expected that any such impacts would not be significant. Development of specific projects on individual sites is subject to the City's existing regulations, such as the Stormwater, Grading and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The intent of the proposal is to provide temporary opportunities for interim uses in zones where they would otherwise not be permitted. The types of uses that would be allowed (e.g., short-term principal use parking, general retail sales and service, mobile food vendors) are expected to be generally consistent with other uses in the vicinity. Applications under the interim use

provisions would need to meet Land Use Code standards for the relevant zone, including regulations addressing height, bulk, and scale, unless such standards are waived or modified. The temporary nature of the uses and applicable Code provisions are expected to limit any direct impacts of new interim uses relating to land and shoreline use or height, bulk, and scale. It is expected that any such impacts would not be significant. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Transportation, Public Services and Utilities

Uses allowed on an interim basis may generate additional trips, including auto, transit, and non-motorized trips. However, it is not expected that the additional traffic will be substantial, given the required temporary nature of the structures and the short-term nature of the allowed uses. The use of sites for principal-use parking would not increase area-wide traffic, but may generate additional auto trips to and from a specific site. As such parking must be short-term, auto trips to and from any site using these provisions would be spread out throughout the day, rather than being concentrated in the morning and afternoon peak hours. This could substantially reduce any site-specific impacts from additional traffic. The proposed code amendments are not expected to change the potential demand for public services or utilities. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review (if they meet or exceed thresholds for environmental review). In particular, environmental review for the establishment of short-term principal use parking of more than 40 spaces would be required. Overall, the code amendments are not likely to generate significant impacts on transportation, public services, and utilities systems.

Conclusion

The proposed code amendments to create a category of interim land uses and allow them in certain zones, subject to specific conditions relating primarily to the development status of the site, is unlikely to have substantial impacts. The interim uses would be permitted only on sites that have already been developed or are currently undergoing some level of site preparation and development, and would not be allowed in most Environmentally Critical Areas. The uses would be housed in temporary structures, and the uses themselves would be authorized for no more than 3 years. Additionally, the legislation would be in effect only through December 31, 2012. Existing regulations would apply after that date. No significant adverse impacts are expected from these proposed amendments.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS - SEPA

None.

Signature: (signature on file) Date: November 9, 2009
John G. Shaw, Senior Transportation Planner
Department of Planning and Development